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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,037	10/19/2001	Richard V. Pratte	CAMPAGNE-001XX	3132
7590 12/13/2005 Bourque & Associates, P.A. Suite 301 835 Hanover Street Manchester, NH 03104			EXAMINER GRAYSAY, TAMARA L	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,037

Applicant(s)

PRATTE ET AL.

Examiner

Tamara L. Graysay

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10-12 and 17-28 is/are rejected.
- 7) ☒ Claim(s) 3,4,9,13-16,29 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 19 October 2001 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

2. The information disclosure statement filed 19 October 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The drawings are objected to because they fail to comply with 37 CFR 1.84(m) because
 - a. solid black shading (FIGS. 3-15 and 17) is not permitted, and
 - b. the dark gray shading (FIGS. 3-15 and 17) does not aid in understanding the invention and reduces legibility.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claim 1 is objected to because of the following informalities: line 2, [al] should be at. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 10, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziarno (US-2001/0001855).

Regarding claim 1, Ziarno teaches a computerized prospect rating method comprising the steps of: receiving customized rating criteria from a user including a capacity rating for measuring financial ability (correlation of e-mail with data reflecting the relative affluence of the contributor using physical location, [0061] – [0062] and [0187]) and commitment rating for measuring a commitment made to an organization (historical giving information, [0061] – [0062] and [0187]); applying the rating criteria and calculating raw rating for each constituent (ratings are in the form of recommended contribution amounts [0062] based on contributor data); and ranking the constituents ([0062] of the specification mentions *selective* transmission of recommended contribution amounts tends to increase contributions such a selective transmission is a type of ranking that would comprise sending solicitations only to those who would meet the rating criteria).

Ziarno does not mention outputting; however, the fact that the correlation of giving potential (and transmission of selective contribution amounts) to respective e-mail addresses that

Art Unit: 3623

is then made available to a fund-raiser *or other remote computer* inherently includes the step of outputting the rating information of top prospects, as broadly recited.

Regarding claim 2, in Ziarno [0061] – [0062] and [0187] the amount requests are comprised of parameters and corresponding values insofar as historical data is evaluated for each constituent to determine the likely donation amount value and selectively associating other amounts or values that correspond to the likely donation amount parameter.

Regarding claim 10, Ziarno discloses a system and network including constituent computers (ref. 800+) and collecting data related to historical giving ([0061]). The data collection is accomplished over the network, i.e., from computer to computer, and includes information based on past contributions. Therefore, the Ziarno process inherently includes uploading information from one database to another.

Regarding claim 27, the Ziarno system inherently includes a computer program for performing the functionality as discussed with regard to claim 1 above.

Art Unit: 3623

7. Claims 11, 12, 17, 18, 22-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Haq (US-6275812).

Regarding claim 11, Haq is in the field of personnel evaluation. The process claims of the present application are not limited to any particular constituent or field of endeavor, thus Haq's process for determining top prospects in the field of human resources meets the broadly claimed process including the following steps: displaying a customization user interface (one example of displaying customization interface is mentioned at 5:61 through 6:4); assigning relative weight values that represent importance of each rating element (identification of relevant importance of each skill or rating element is mentioned for example at 5:25-36); setting rating parameters and rating values for each rating element (points for each skill or rating element are calculated as a product of the index 100 and weight 106 as mentioned at 6:43+ for example); applying the rating parameters to constituent data and calculating raw ratings based on the rating values and weights (see suitability skill index average beginning at 6:12-61; relative skill index average beginning at 6:62 for example); and, calculating at least one overall raw rating and outputting rating information indicating top prospects (see 7:23-37 which mentions for example deployment on a project in which a constituent with the highest score is deployed).

Regarding claims 12, 17, and 18, the Haq rating elements are arranged by categories (skills sub-classified by technology, see abstract for example) wherein the relative weight values (106), parameters (100), and rating values (importance of the elements) are assigned by the project manager who is evaluating employees skills for example, and the ratings are calculated for each category or technology.

Regarding claims 22-24, Haq depicts the various rating, prospect outputs in the figures.

Regarding claim 25, Haq includes two databases: ISDRMD and Employee (fig.2 for example; and 6:20-21 information is copied, i.e., uploaded, from the employee database). The label of “third-party” assigned to the database in claim 25 does not define over the process of Haq, which inherently includes uploading data from the employee database.

Regarding claim 26, Haq discloses a user interface (computer screens depicted in the figures), a rating element data structure (see figure 1 profiles for example), a constituent database (employee database 78), a rating engine (50), and an output device (computer monitor is inherent in Haq). The functional language, although not in means-plus-function language, does not structurally define over Haq.

Regarding claim 28, the Haq system inherently includes a computer program for performing the functionality as discussed with regard to claim 11 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziarno (US-2001/0001855).

Regarding claims 5 and 6, Ziarno (discussed in paragraph 7 above) discloses the step of displaying statistical information (see [0009]) using known statistical techniques (see [0127]).

The examiner takes Official notice that at the time the invention was made, percentile ranking and top 10% were known statistical indicators computed using known statistical techniques.

Such statistical analysis was used to parse information into priority levels that are acceptable to a data user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the statistical analysis of Ziarno to include percentile ranking and top 10% in order to parse information into priority levels that would have been acceptable to a data user.

Regarding claim 8, Ziarno does not explicitly mention recalculation. The continuous data changes and update of information would have been inherent in the step of capturing historical data. The examiner takes Official notice that repeating any process is not novel and would have been a matter of choice to one of ordinary skill in the art at the time the invention was made in order to ensure that the most recently available data was manipulated during the process.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the process of Ziarno to include recalculation, including when the data changes.

Art Unit: 3623

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziarno (US-2001/0001855), as applied to claim 1 above, in view of Herz (US-5757939).

Herz teaches directly adjusting a displayed score in order to correct an error or change a score. This type of change allows a user to override the data to reflect matters other than what are entered in the computer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Ziarno to include directly adjusting at least one of the raw ratings in order to correct an error or change a rating to override the computer and more accurately reflect the raw rating of a constituent.

Art Unit: 3623

10. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq (US-6275812).

Regarding claim 19, Haq does not explicitly mention recalculation. The continuous data changes and update of information would have been inherent in the step of capturing employee data. The examiner takes Official notice that repeating any process is not novel and would have been a matter of choice to one of ordinary skill in the art at the time the invention was made in order to ensure that the most recently available data is manipulated during the process. Therefore, it would have been obvious to one of ordinary skill in the art to modify the process of Haq to include recalculation when the data changes.

Regarding claim 20, the recited “rating change” is presumed to be a change in the top prospects, insofar as the outputting step is being further modified. The Haq outputting step includes indicating top prospects (for example see 7:23-37 which mentions for example deployment on a project in which a constituent with the highest score is deployed). The change as claimed is not further limiting of the process step so the data that is output in the outputting step has been given no patentable weight.

Art Unit: 3623

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haq (US-6275812), as applied to claim 11 above, in view of Herz (US-5757939).

Herz teaches directly adjusting a displayed score in order to correct an error or change a score. This type of change allows a user to override the data to reflect matters other than what are entered in the computer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Haq to include directly adjusting at least one of the raw ratings in order to correct an error or change a rating to override the computer and more accurately reflect the raw rating of a constituent.

Allowable Subject Matter

12. Claims 3, 4, 9, 13-16, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the prior art in the field of charitable donation solicitation fails to teach or suggest a method comprising the step of multiplying rating values by weight values for each of the commitment, concern and capacity rating elements to determine raw ratings for each constituent on which the constituent ranking is based.

Regarding claim 4, the prior art in the field of charitable donation solicitation fails to teach or suggest a method comprising the step of calculating each constituent rating for rating categories including each of the commitment, concern and capacity categories. Ziarno discloses rating elements beginning at [0124], including commitment (X_i), concern (I_i), and capacity (P_i) for a contributor group, but not for each contributor.

Regarding claim 9, the prior art in the field of charitable donation solicitation fails to teach or suggest a method comprising the step of outputting rating information based on rating change within a defined period of time. The prior art at best identifies donors and suggests solicitation, but does not contemplate outputting a list of constituents based on a rating change within a defined period of time.

Regarding claims 13-16, the prior art fails to teach or suggest modifying Haq to be applied to constituents most likely to donate to an organization as quantified by the rating elements.

Regarding claims 29 and 30, the prior art fails to teach or suggest modifying Haq to include code for determining constituents most likely to donate to an organization.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dalluge (article, How to alienate a good donor) teaches gathering donor information including giving history, special interests, recent gifts, family situations, previous involvement with an organization (p.2), as well as value systems, hobbies, background, experience, and education (p.3).
- Taylor (article, Building donor relations) teaches building a database of current and potential donors records, cross-referencing with lifestyle, behavior, and giving history.
- Internet Week (article, Nonprofits explore benefits of Web CRM) teaches the use of an Internet Web service for targeting donors based on donor interests.
- Remley (article, Relationship marketing) teaches the use of donor relationships for fundraising opportunities.
- Romano (article, Non-profit software package directory) teaches donor analysis (DONORPRO at p.15), tracking and sorting donor and prospect information (DONORS\$ at p.15), and a fund development module that tracks interest and motivations for giving (PASS at p.24).
- The DonorPerfect Web pages from www.archive.org teach collection of data and sorting for use in targeted marketing programs.
- The DonorPerfect Web pages from www.donorperfect.com teach reporting and analysis using any criteria including recency and frequency filters.


Art Unit: 3623

- Key (article, Enhancing fundraising success with custom data modeling) was published after the filing of the present application.
- Key cited Rao, Jain, Morrison, Haughton, and Thrasher.
- Katzev (article, Applying social psychology to charitable donations) teaches the use of social psychology to analyze donors themselves rather than determining targeted donors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 12/9/05
Tamara L. Graysay
Examiner
Art Unit 3623

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